IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 71 OF 2006
IN
WRIT PETITION NO.305 OF 1996

Shri D.D.Shah, .. Petitioner.
Vs
The Institute of Chartered
Accountants of India and anr. .. Respondents

Mr A.V.Anturkar, for the petitioner.
M/s Kanga Co. for respondent no.1.
Mr T.K.Swaminathan in-person-respondent no.2.

CORAM : B.H.MARLAPALLE & D.B.BHOSALE,JJ.
DATE : APRIL 28, 2006.

PC:

1. Heard Mr Anturkar, learned counsel for the petitioner and Mr Swaminathan, original respondent no.2 as party in-person.

2. Consequent to our order dated 24.4.2006, both the parties have placed before us copies of the concerned documents and it is clear that the orders below Exhibits-43 and 52 are subject matter of the pending appeal which has not yet been registered as the application for condonation of delay has not been decided. We have also noted that the dismissal of the suit against defendant nos 1A to 1C may not per-se result in dismissal of the suit against the present respondent no.2 as well having regard to the reliefs prayed for in the same suit. Hence, Writ Petition No.305 of 1996 is required to be heard and decided on merits.

3. We, therefore, allow the review petition in terms of prayer clause (a).

4. Writ Petition No.305 of 1996 be added in the final hearing board commencing from 5.6.2006. Till then status-quo as of today shall be maintained.

(D.B.BHOSALE, J.) **(B.H.MARLAPALLE,J.)**